

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GRACE DENISE SALAS,

Plaintiff,

v.

No. CIV-11-0273 LAM/RHS

**MICHAEL J. ASTRUE, Commissioner
of the Social Security Administration,**

Defendant.

ORDER TO SHOW CAUSE

THIS MATTER is before the Court *sua sponte*. Plaintiff filed a Complaint on March 30, 2011 (*Doc. 1*), and Defendant filed an Answer on June 9, 2011 (*Doc. 14*). On June 13, 2011, the Court entered an ***Order Setting Briefing Schedule*** (*Doc. 15*), wherein Plaintiff was ordered file a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law by August 15, 2011. To this date, Plaintiff has not filed such a motion or requested an extension of time.

A district court has inherent power to dismiss a case, even with prejudice, *sua sponte* for failure to prosecute or for failure to comply with a court order. *See Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-31 (1962); *Olsen v. Mapes*, 333 F.3d 1199, 1204 n.3 (10th Cir. 2003). This Court's local rules provide that a case may be dismissed if no steps are taken to move a case forward for ninety days. D.N.M. LR-Civ. 41.1. Here, Plaintiff has failed to comply with the Court's order to file a motion to reverse or remand, and Plaintiff's "*pro se* status does not relieve [her] from complying with the court's procedural requirements." *Barnes v. United States*, No. 05-3403, 173 Fed. Appx. 695, 697, 2006 WL 856221 (10th Cir. April 4, 2006) (unpublished) (citation

omitted); *see also Santistevan v. Colo. Sch. of Mines*, No. 04-1513, 150 Fed. Appx. 927, 931, 2005 WL 2697255 (10th Cir. Oct. 21, 2005) (unpublished) (holding that a *pro se* litigant must follow the same rules of procedure as other litigants).

WHEREFORE, IT IS HEREBY ORDERED THAT no later than September 7, 2011, Plaintiff shall either file with the Court a Motion to Reverse or Remand Administrative Agency Decision with a supporting memorandum of law, or file with the Court a response to this Order showing cause why this case should not be dismissed. Whichever she chooses to file, Plaintiff must serve a copy on Defendant. *Plaintiff is also hereby notified that failure to respond to this Order may result in dismissal of this case without further notice.* The Court will address additional scheduling deadlines as necessary at that time.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent